

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ET Docket No. 92-28

In the Matter of)
)
Amendment of Section 2.106 of)
the Commission's Rules to)
Allocate the 1610-1626.5 MHz)
and the 2483.5-2500 MHz Bands)
for Use by the Mobile-Satellite)
Service, Including Non-)
Geostationary Satellites)

COMMENTS OF
AMSC SUBSIDIARY CORPORATION

AMSC Subsidiary Corporation ("AMSC") hereby comments on the "Petition for Clarification and Partial Reconsideration" (the "Petition") submitted by Loral Qualcomm Satellite Services, Inc. ("LQSS") in response to the Commission's Report and Order in the above-referenced docket. FCC 93-547 (January 12, 1994).^{1/} The Report and Order allocated additional spectrum for Mobile Satellite Service ("MSS"), an important new and developing communications service that will provide two-way communications in rural and remote areas. AMSC generally agrees with LQSS' effort to clarify or modify the coordination procedures for the bands, but AMSC opposes LQSS' effort to modify the allocation to prohibit the use of the spectrum by geostationary MSS systems.

AMSC will begin operating in 1995 the first dedicated U.S. MSS system, a \$600 million system that initially will use one geostationary satellite, with back-up provided by a virtually

^{1/} See 59 Fed. Reg. 16209 (April 6, 1994).

identical Canadian satellite. To provide necessary additional capacity for AMSC's U.S. system, sufficient to justify the construction of additional satellites that the Commission previously authorized, AMSC has applied to use the bands newly allocated to MSS in the Report and Order. LQSS, which hopes to build a global MSS system using low-Earth orbit ("LEO") satellites, has also applied to use the bands. In a Notice of Proposed Rulemaking, the Commission recently set forth its proposed approach to the licensing of the bands. FCC 94-11 (February 18, 1994).

PFD Limits. AMSC supports the LQSS proposal to clarify that the power flux density values in Footnote 753F represent "triggers" for coordination rather than absolute limits. Petition pp. 10-11. Such an approach provides greater flexibility for authorized systems and is consistent with the evidence that in some cases MSS systems that exceed the PFD limit nonetheless may be able to be coordinated with other systems using the band.

AMSC disagrees with LQSS, however, that there is evidence concerning the interference potential of the proposed LQSS system that permits the PFD limit to be increased.^{2/} The available

^{2/} Petition, p. 8; Exhibit A. Specifically, Exhibit A, Table 1 presents an assortment of proposed PFD trigger values, some of which are higher and others lower than those specified in RR 753F. Each of the values represents a proposed trigger, but none of the values has been formally established yet as an appropriate one to prevent interference to incumbents in the band. LQSS claims that the Commission should adopt the higher values, but there is no established basis for such an action.

evidence demonstrates only that geostationary MSS systems in the band may operate with higher PFD limits, but not LEO systems. See Comments of AMSC in ET Docket No. 92-28, Technical Appendix, pp. 9-11 (December 4, 1992).

EIRP Limits. AMSC supports the LQSS proposal to modify Footnote 731E to apply the -15 dBW/4 kHz EIRP limit to all MSS uplinks. Petition, pp. 11-14. As recommended by the Negotiated Rulemaking Committee, a uniform EIRP limit will help systems using the new uplink band at 1610-1626.5 MHz to share the spectrum. AMSC also supports LQSS' proposal to eliminate the last sentence of the footnote regarding protection of aeronautical radionavigation systems. Since the U.S. does not have a policy that Glonass (the Russian aeronautical radionavigation system) will be used for precision landing, it is premature for the FCC to impose any such requirement at this time.

Limiting the Bands to LEOs. LQSS also appears to propose to restrict the new MSS bands to LEO systems, a proposal that AMSC would adamantly oppose.^{3/} AMSC firmly believes that the record evidence in this proceeding demonstrates that the public has far more to gain from AMSC's proposal to put the spectrum to use in

^{3/} Petition, pp. 4-7. LQSS' actual position on this issue is somewhat unclear. Initially, LQSS asks only that the FCC "clarify" what needs no clarification, that its Report and Order is only an allocation order and is not meant to prejudice the licensing issues that are the subject of the later NPRM. LQSS then launches into a series of arguments that can only be characterized as asking the Commission in this proceeding to prejudice the licensing issues that are the subject of the NPRM, exactly what LQSS claims to be asking the Commission not to do.

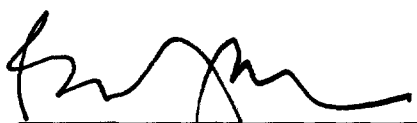
the near future as part of a real system than it has to gain from the speculative proposals of the LEO applicants. The proper place for a rebuttal to LQSS' arguments, however, is in the pending proceeding on the rules for licensing systems in the new bands, which has a comment deadline of May 5, 1994, less than two weeks away. AMSC will address this issue fully at that time.

Conclusion

Therefore, based on the foregoing, AMSC Subsidiary Corporation respectfully requests that the Commission reconsider its Report and Order in a manner consistent with these comments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Cynthia L. Smith, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., hereby certify that true copies of the foregoing " Comments of AMSC Subsidiary Corporation" were sent this 21st day of April 1994, by first class United States mail, postage prepaid, to the following:

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